

APPEAL NO. 031273  
FILED JULY 10, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 21, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury and because the claimant does not have a compensable injury, she did not have disability. The claimant appealed on sufficiency of the evidence grounds, and asserted that venue was improper, that the hearing officer was unfair, and that the hearing officer did not consider the medical evidence. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10) and that she had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The claimant asserts that venue was improper, however, the record clearly reflects that both parties stipulated that the claimant lived within 75 miles of the (City 1) Field Office of the Texas Workers' Compensation Commission on the date of injury. This stipulation meant that venue was proper in the City 1 Field Office. See Section 410.005(a).

The claimant asserts that the hearing officer was unfair, although she specifically names the benefit review officer (BRO), DH, who heard her case at a benefit review conference, as being unfair. Our review of the record indicates no basis whatsoever for the assertion that the hearing officer was unfair, in any respect, in his conduct of the hearing. With regard to the BRO being unfair, we find no merit to the claimant's assertion, as he made a recommendation in the claimant's favor.

The claimant asserts that the hearing officer did not discuss and therefore, did not consider the medical records from her doctor. We have previously stated that there is no requirement that the hearing officer discuss all the evidence. See Texas Workers' Compensation Commission Appeal No. 91076, decided December 31, 1991; Texas

Workers' Compensation Commission Appeal No. 92185, decided June 18, 1992. The hearing officer has gone to great lengths in his discussion to indicate how he believed the claimant did not meet her burden of proof, and his consideration of the evidence is not so against the great weight and preponderance of the evidence as to be manifestly unfair or unjust. Cain, *supra*.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Veronica Lopez-Ruberto  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge